

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PREMERA,

Plaintiff,

v.

LEXINGTON INSURANCE COMPANY, *et al.*,

Defendants.

Cause No. C17-0714RSL

ORDER DENYING MOTION TO
SEAL

This matter comes before the Court on Premera's "Motion to Seal Exhibit E to the Second Declaration of John R. Neeleman and Portions of Premera's Reply in Support of Motion to Partially Lift the Stay and to Bifurcate." Dkt. # 104. Premera seeks to seal an agreement it reached with its insurers to fund Premera's defense of the underlying antitrust litigation and the discussion of the agreement contained in its reply memorandum.

"There is a strong presumption of public access to the court's files," and, absent a showing that the public's right of access is outweighed by the interests of the public and/or the parties in shielding the material from public view, a seal is not appropriate. LCR 5(g). Premera has not made the required showing. Its bald assertion that the agreement is "proprietary information" is unsupported by any facts or the context in which the agreement was negotiated. Dkt. # 104 at 2. Its suggestion that the contents of the agreement are "property" does not justify a

1 seal. Dkt. # 104 at 2. Despite citing to relevant legal authority, Premera makes no effort to show
2 that the agreement contains “sources of business information that might harm a litigant’s
3 competitive standing.” Dkt. # 104 at 3 (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589,
4 598 (1978)). The insurers, who are parties to the agreement, filed their discussion of the
5 negotiations and agreement without seal and without objection from Premera.
6

7 Premera has not shown that legitimate private or public interests warrant a seal, that
8 injury would result from public disclosure, or that the public’s right of access should give way.
9 The motion to seal is DENIED. The Clerk of Court is directed to unseal Dkt. # 105 and # 106.
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12 Dated this 1st day of February, 2021.

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14 Robert S. Lasnik
15 United States District Judge
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